

CASE # C15-2011 0063
ROW # 1058979
TP- 0203110406
C15-2011-0063

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE

WARNING: Filing of this appeal stops all affected construction activity.

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.

STREET ADDRESS: 2601 E 7th St

LEGAL DESCRIPTION: Subdivision – Paul Simms

Lot(s) 34-36 Block _____ Outlot 22 Division A

I/We Alphonso Dryer on behalf of myself/ourselves as authorized agent for

East Austin Eats, LLC affirm that on May 2, 2011

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

☐ ERECT ☐ ATTACH ☐ COMPLETE ☒ REMODEL ☐ MAINTAIN

An existing food service establishment from a take out restaurant to a limited service restaurant and and receive a parking variance.

in a CS-CO-MU-NP district.
(zoning district)

*to not provide additional
7 parking
spaces.*

NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

JS

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

Our business will operate a dinner service only. The other business within the building is an office, operating during the day. The current zoning requirements assume that all businesses will be using the existing parking areas at the same time.

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:

The area surrounding the property is built out and there are no available places within 1000 feet to provide for off-site parking.

- (b) The hardship is not general to the area in which the property is located because:

Our establishment will not require more parking spaces as we will not be serving large crowds. The actual serving space within the building will encompass less than 680 sq/ft. The remaining area will be devoted to the kitchen, storage and back office.

AREA CHARACTER:

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

Our restaurant will only have a dinner service. Other businesses adjacent to the structure will be closed during our hours of operation and we will not affect their parking.

PARKING: (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

There is current parking to the side of the structure and along the front of the building, not on the street. These existing spaces around the property (18) will be more than adequate to accommodate the anticipated number of patrons as surrounding businesses will be closed and not utilizing the parking spaces.

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

Being a limited service restaurant, we will have less employees than a normal full service restaurant and will not require as much parking for employees. There is an area for bicycle parking, and the restaurant is on a bus line enabling customers to take advantage of alternate modes of transportation. Any food deliveries will occur during the day when we will not have patron traffic thus not impacting the surrounding businesses which will be open at that time.

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

Operating at a time when surrounding businesses are closed should ensure that congestion is kept to a minimum, if non-existent.

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

The parking currently provided at the site is adequate for the proposed business use.

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed _____

Mail Address 403 Brookhollow Dr City, State & Zip Pflugerville TX, 78660

Printed Alphonso Dryer Phone 512-653-0351 Date 5/2/2011

OWNERS CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed _____

City, State & Zip Austin, TX 78716-1345

Printed _____ Phone 5123287224 Date 05/01/11

GENERAL INFORMATION FOR SUBMITTAL OF A VARIANCE REQUEST TO THE BOARD OF ADJUSTMENT

(The following is intended to provide assistance in explaining the variance process. These suggestions are not intended to be a complete or exhaustive guide in assisting you through this process.)

VARIANCE REQUIREMENTS:

General Requirements:

- A. A variance may be granted if, because of special circumstances of a property, the strict application of the Land Development Code regulations deprives the property owner of privileges that are enjoyed by another person who owns property in the area that has the same zoning designation as the property for which the variance is requested.
- B. A variance to a regulation may not grant special privileges that are inconsistent with the limitations on other properties in the area or in the district in which the property is located.

SUBMITTAL REQUIREMENTS: (Failure to complete the application or to submit all the required materials will result in non-acceptance of the application.)

- ✓(1) A completed application indicating all variances being requested. An application must include proposed findings that will support requested variances. The required findings must address each variance being sought.
- (2) A site plan to scale indicating present and proposed construction and location and use of structures on adjacent lots.
- ✓(3) A tax plat with subject property clearly marked indicating property within a 500-foot radius. These are available from the Travis Central Appraisal District at 8314 Cross Park Drive (834-9138).
- ✓(4) Check made payable to the City of Austin for the Board of Adjustment application fee. (Residential zoning - \$360. All other zonings - \$660.)
- ✓(5) Other Information – Although the following is not a requirement of submittal you may wish to include additional information that may assist the Board in making an informed decision regarding your request such as: photos of the site or visual aids to support the request, letters from the neighborhood association(s) etc. Any additional information you wish to submit must be in our office one week prior to the meeting. The Board will receive a packet with all information that has been submitted on the Thursday prior to the meeting.
- (6) Austin Energy approval

Variances approved by the Board are limited to and conditioned upon the plans and specifications presented by the applicants, except as modified by the Board.

REQUIRED FINDINGS: All variance findings must be met in order for the Board to grant a variance. An application must include proposed findings that will support the requested variance. Incomplete applications will not be accepted.

Reasonable Use:

Application must demonstrate to the Board how the zoning regulations applicable to the property do not allow for a reasonable use of the property. [Note: The Board cannot approve a variance for a use that is not allowed in the zoning district in which the property is located. This requires a change in zoning.]

Hardship:

- a. Application must demonstrate to the Board how the hardship for which the variance is requested is unique to the property. Hardship should be specific to the property for which the variance is being requested. (For example, topography, lot configuration, or any physical constraint that would limit the placement of the structure or prevent compliance with required site development regulations, etc.) A strictly financial or personal reason is not a valid hardship.

5. Application must demonstrate to the Board why the hardship is not general to the area in which the property is located. Describe how the hardship relating to the site is different from other properties in the area.

Area Character:

Application must demonstrate to the Board how the variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the zoning regulations of the zoning district in which the property is located.

NOTE: Parking variances require additional findings to be made. The additional findings are listed on the application and must also be completed for submittal of the application.

Board of Adjustment Staff:

Susan Walker, Planner
974-2202

Diana Ramirez, Administrative Specialist, Board Secretary
974-2241

Fax #974-6536

Watershed Protection and Development Review Department
One Texas Center
505 Barton Springs Road, 2nd Floor

Mailing Address:
P. O. Box 1088
Austin, TX 78767-1088

Owner's Name **7 LEASECO L L C**

Mailing Address
PO BOX 161345
AUSTIN, TX 78716-1345

Location
2601 E 7 ST 78702

Legal
S .2009A OF LOTS 34-36 OLT 22 DIV A SIMMS PAUL O

Property Details

Deed Date 06042004
Deed Volume 00000
Deed Page 00000
Exemptions
Freeze Exempt F
ARB Protest F
Agent Code 0
Land Acres 0.2009
Block
Tract or Lot 34-36
Docket No. 2004165894TR
Abstract Code S12466
Neighborhood Code 30EAS

Value Information

2010 Certified

Land Value 87,520.00
Improvement Value 655,756.00
AG Value 0.00
AG Productivity Value 0.00
Timber Value 0.00
Timber Productivity Value 0.00
Assessed Value 743,276.00
10% Cap Value 0.00
Total Value 743,276.00

Data up to date as of 2011-04-18

AGRICULTURAL (1-D-1)

APPOINTMENT OF AGENT FORM

FREEDPORT EXEMPTION

HOMESTEAD EXEMPTION FORM

PRINTER FRIENDLY REPORT

PROTEST FORM

RELIGIOUS EXEMPTION FORM

(TIFF)

PLAT MAP

(PDF)

PLAT MAP

Value By Jurisdiction

Entity Code	Entity Name	2010 Tax Rate	Assessed Value	Taxable Value	Market Value	Appraised Value
0A	TRAVIS CENTRAL APP DIST		743,276.00	743,276.00	743,276.00	743,276.00
01	AUSTIN ISD	1.227000	743,276.00	743,276.00	743,276.00	743,276.00
02	CITY OF AUSTIN	0.457100	743,276.00	743,276.00	743,276.00	743,276.00
03	TRAVIS COUNTY	0.465800	743,276.00	743,276.00	743,276.00	743,276.00
2J	TRAVIS CO HEALTHCARE DIST	0.071900	743,276.00	743,276.00	743,276.00	743,276.00
68	AUSTIN COMM COLL DIST	0.095100	743,276.00	743,276.00	743,276.00	743,276.00

Improvement Information

Improvement ID
676229

State Category
F1

Description
STRIP CTR <10000

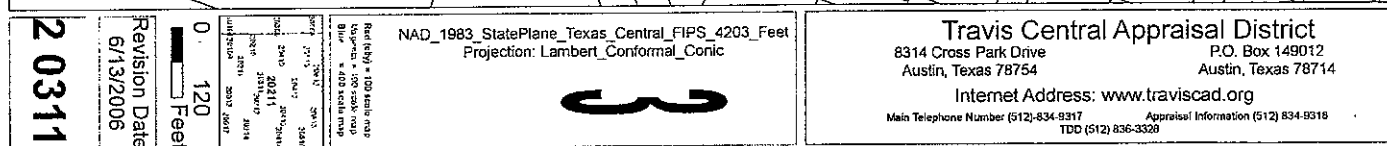
Segment Information

Imp ID	Seg ID	Type Code	Description	Class	Effective Year Built	Area
676229	4129990	1ST	1st Floor	C4	2006	2,870
676229	4129991	2ND	2nd Floor	C4	2006	2,480
676229	4129992	551	PAVED AREA	AA*	2006	3,220
676229	4129994	413	STAIRWAY EXT	A*	2006	1
676229	4231002	501	CANOPY	G*	2006	310
676229	4231003	501	CANOPY	A*	2006	186
						Total Living Area 5,350

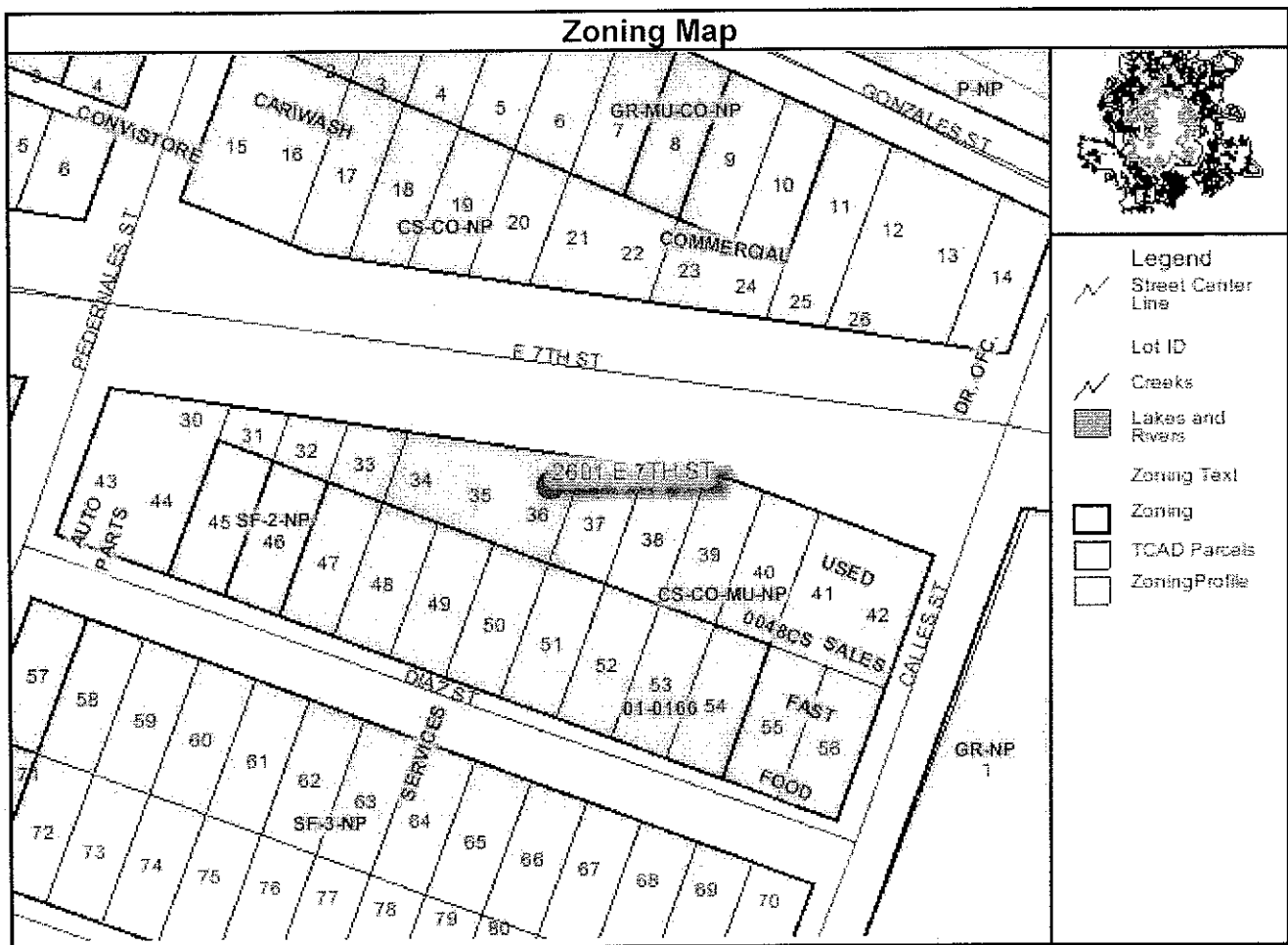
Land Information

Land ID	Type Code	SPTB Code	Homesite	Size-Acres	Front	Depth	Size-Sqft
189196	LAND	F1	F	0.077	0	0	3,368
853971	LAND	A1	F	0.065	0	0	2,826
853972	COMM	F1	F	0.059	0	0	2,558

[show history](#)



0203710803
2701



A change of use to create
Restaurant (Ltd) required
to SP.04-0950.c.

Google maps

2601 e 7th st, austin, tx

Search Maps

Edit Print Send Link



Google maps

Address 2502 East 7th Street

Address is approximate

Save trees. Go green!

Download Google Maps on your
phone at google.com/gmm



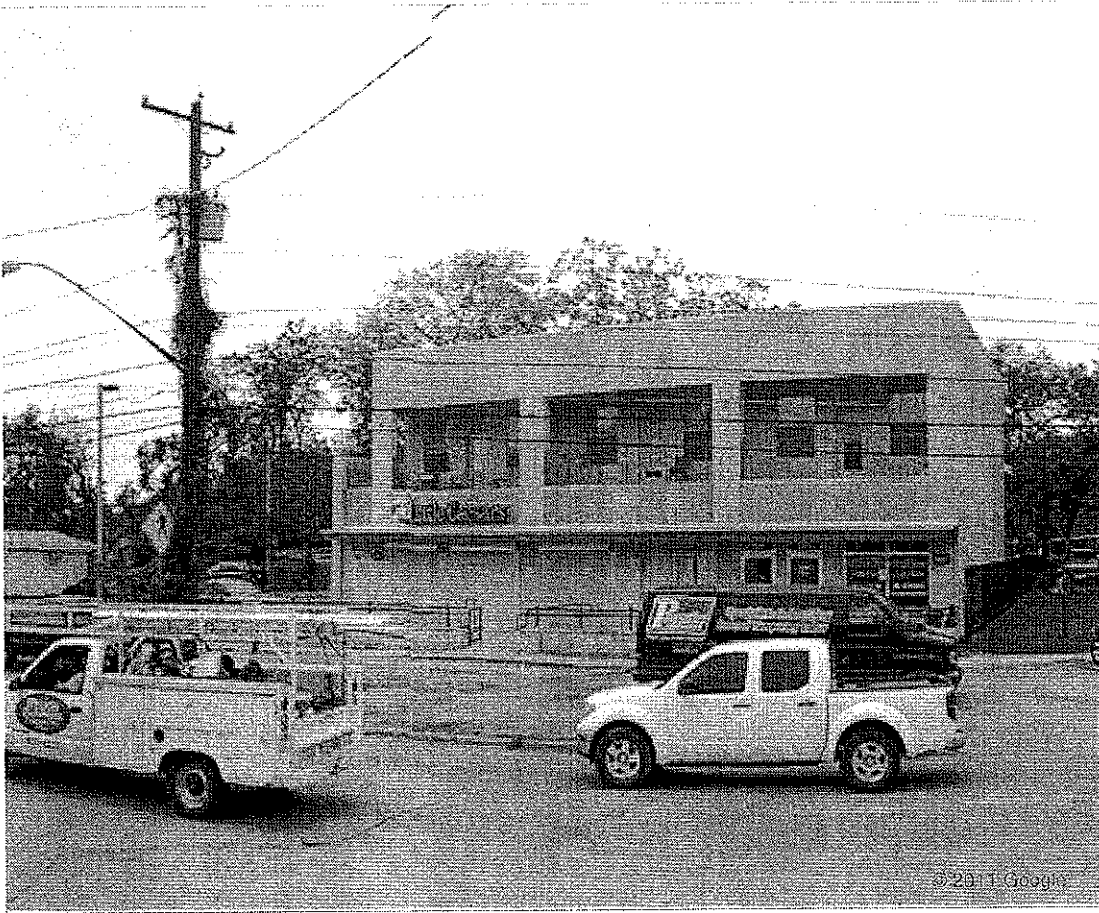
Google maps

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Address is approximate

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phone at google.com/gmm



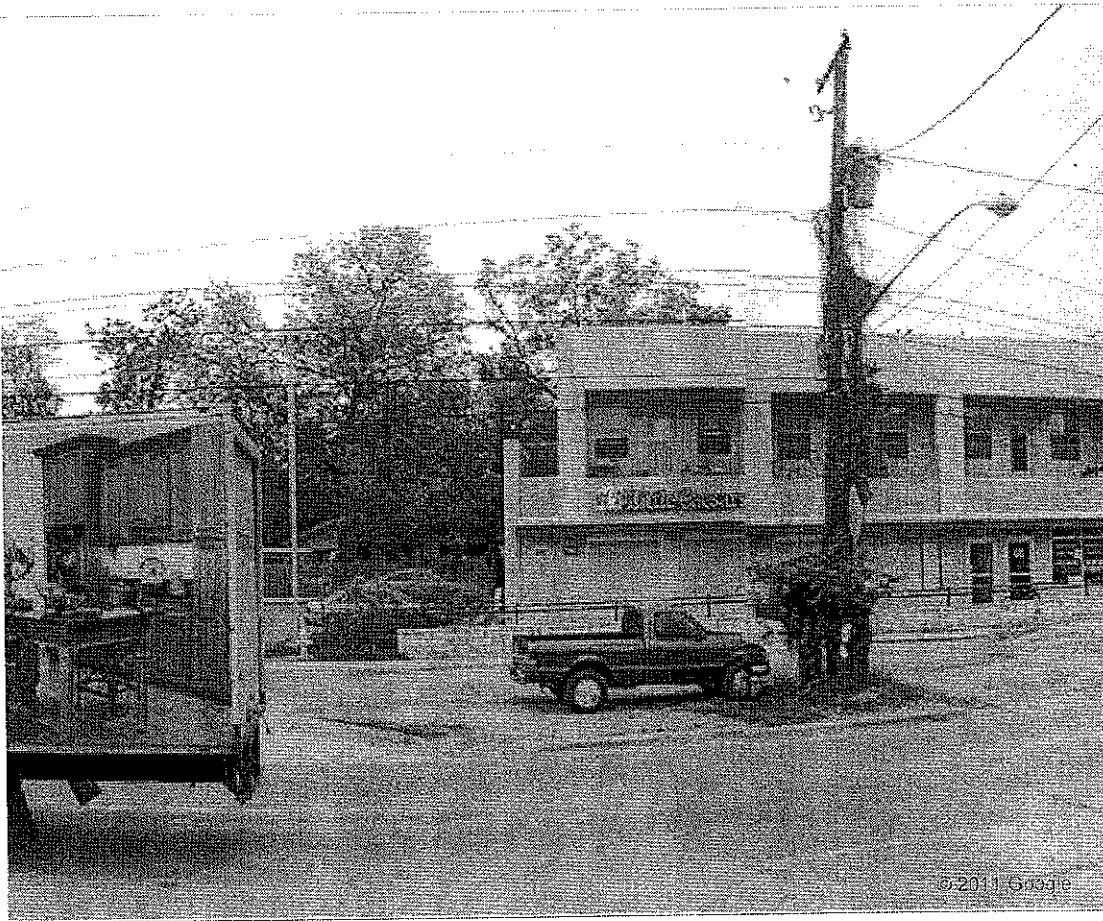
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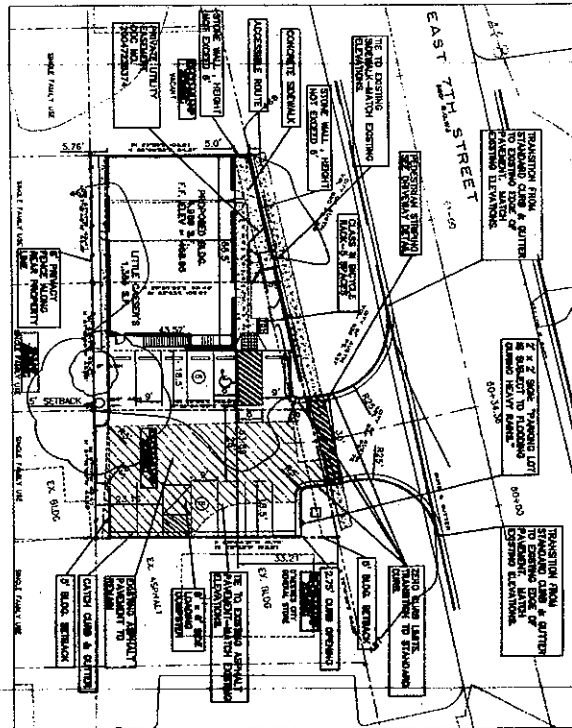
Address 2502 East 7th Street

Address is approximate

Save trees. Go green!

Download Google Maps on your
phone at google.com/gmm





GENERAL DEMOLITION NOTES:

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GENERAL SITE PLAN NOTES:

1. ALL INFORMATION SHALL BE MADE AVAILABLE TO THE PUBLIC BY THE BUREAU OF THE U.S. DEPARTMENT OF JUSTICE, IN ACCORDANCE WITH THE FREEDOM OF INFORMATION ACT, 5 U.S.C. 552, AND THE BUREAU'S POLICIES AND PROCEDURES FOR THE RELEASE OF INFORMATION, INCLUDING THE BUREAU'S POLICIES AND PROCEDURES FOR THE RELEASE OF INFORMATION TO THE PUBLIC, AND THE BUREAU'S POLICIES AND PROCEDURES FOR THE RELEASE OF INFORMATION TO THE PUBLIC, AND THE BUREAU'S POLICIES AND PROCEDURES FOR THE RELEASE OF INFORMATION TO THE PUBLIC.
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4. THE CHIEF OF BUREAU SHALL BE RESPONSIBLE FOR THE COSTS OF THE RELEASE OF INFORMATION TO THE PUBLIC, AND THE CHIEF OF BUREAU SHALL BE RESPONSIBLE FOR THE COSTS OF THE RELEASE OF INFORMATION TO THE PUBLIC, AND THE CHIEF OF BUREAU SHALL BE RESPONSIBLE FOR THE COSTS OF THE RELEASE OF INFORMATION TO THE PUBLIC.
5. ADDITIONAL ELECTRIC CHARGES MAY BE INCURRED AT A RATE OF \$1.00 PER PAGE.

DEMO PLAN

5. A CATERING CONTRACT FOR THE MEALS WILL BE USED PRIOR TO AN ORDER BEING PLACED WITH THE CATERER. THE CATERER WILL BE RESPONSIBLE FOR PAYING FOR THE MEALS AND PROVIDING SERVICE SET BY PLACE.
6. ALL DINING AND RESTAURANT SERVICE WILL BE PROVIDED BY THE CITY OF AUSTIN.
7. ALL DINING STIMULATES ROOMS TO BE PROVIDED WILL REQUIRE A POSITIONING ORDER FROM THE CITY OF AUSTIN DEPARTMENT OF INFORMATION AND COMMUNICATIONS.
8. STATES BY ACCESSIBLE MEETING MAY NOT EXCEED 1:30 HOURS.
9. THE MAXIMUM SIZE OF THE MEETING ROOMS TO BE PROVIDED BY THE CITY OF AUSTIN WILL BE 100 PEOPLE. THE CITY OF AUSTIN WILL PROVIDE A LISTING OF THE MEETING ROOMS AND THE MEETING ROOMS THAT ARE AVAILABLE.
10. ACCESSIBLE MEETING WILL HAVE A CHAIRS-STATE NO MEETING THAT IS NOT A CHAIRS-STATE.
11. GROUPS SERVICES AND ACCESSIBLE MEETING WILL BE PROVIDED BY THE CITY OF AUSTIN.
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SITE PLAN

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City of Austin
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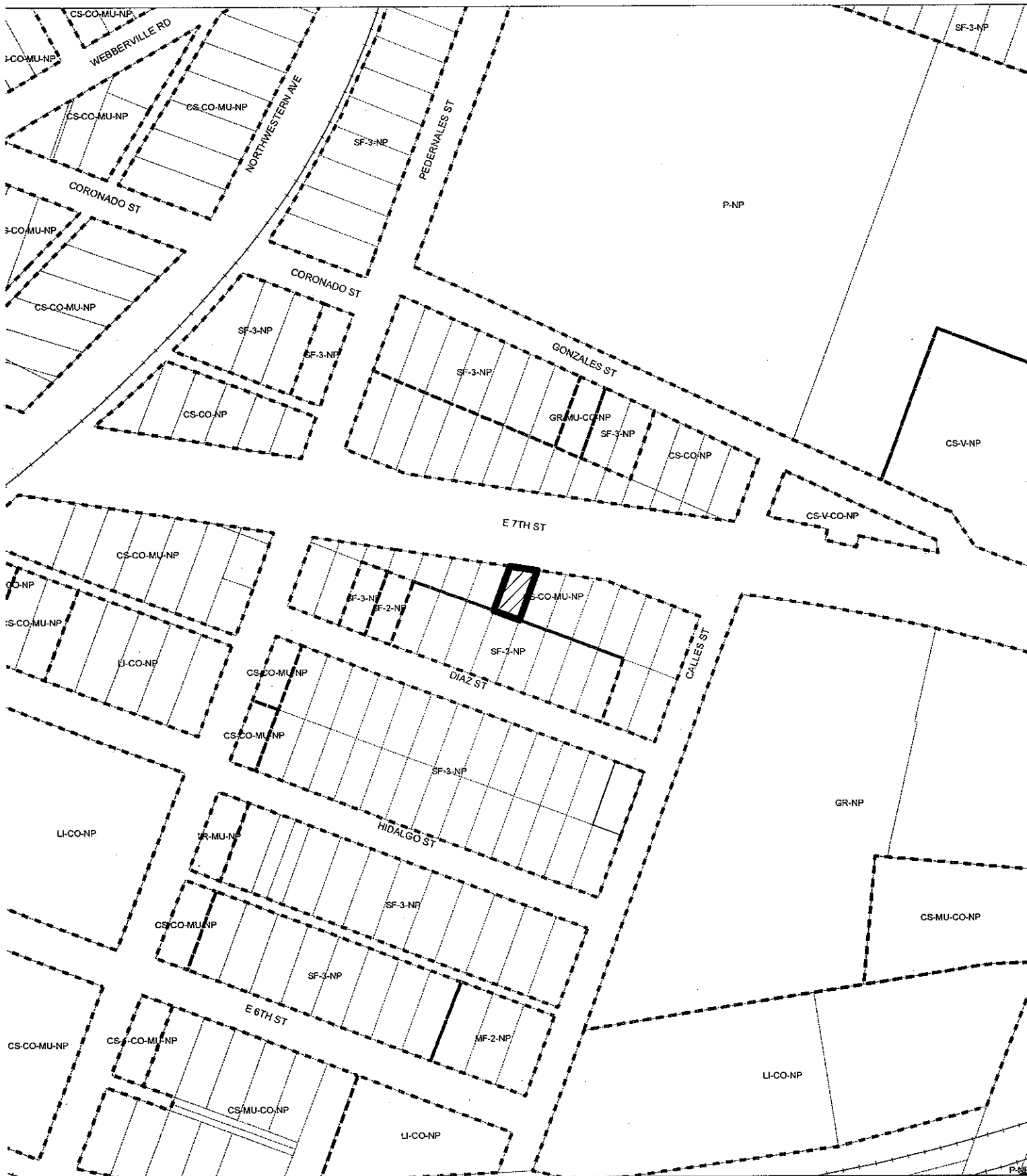
2601 E 7th St
C15-2011-0063

OCTOBER 27, 2004

7 LEASECO, LLC
PIAZZA NAVARRO
2601 EAST 7th STREET
AUSTIN, TEXAS

DEMO PLAN & SITE PLAN

DA Doucet & Associates, Inc.
7401 E Hwy. 71 W., Suite 160
Austin, Texas 78725 Phone: (512) 583-2600 Fax: (512) 583-2601



BOARD OF ADJUSTMENTS

CASE#: C15-2011-0063
 LOCATION: 2601 E 7th Street
 GRID: K21
 MANAGER: Susan Walker



SUBJECT TRACT



ZONING BOUNDARY

